

**ASSEMBLY BILL**

**No. 402**

**Introduced by Assembly Member Romero**

February 12, 1999

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An act to amend Section 273.55 of the Penal Code, relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

AB 402, as introduced, Romero. Sentencing: domestic violence.

Existing law makes it a misdemeanor or a felony for any person convicted of willful infliction of corporal injury upon a person who has a specified domestic relationship to the offender, for acts occurring within 7 years of a previous conviction of specified offenses, if the victim of the prior offense has one of those same specified relationships with the offender. Existing law also makes it a misdemeanor to commit a battery against a person with a specified relationship to the offender, including a dating relationship.

This bill would amend the above-mentioned offense of willful infliction of corporal injury with a prior conviction to include the crime of battery within the specified list of prior offenses. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 273.55 of the Penal Code is  
2 amended to read:

3 273.55. Any person convicted of violating Section  
4 273.5, for acts occurring within seven years of a previous  
5 conviction under subdivision (d) *or paragraph (1) of*  
6 *subdivision (e)* of Section 243, or under Section 243.4, 244,  
7 244.5, 245, or 273.5, if the victim of the prior offense is a  
8 person designated under subdivision (a) of Section 273.5,  
9 shall be punished by imprisonment in a county jail for not  
10 more than one year, or by imprisonment in the state  
11 prison for two, four, or five years, or by both  
12 imprisonment and a fine of up to ten thousand dollars  
13 (\$10,000). If probation is granted or the execution or  
14 imposition of a sentence is suspended for any person  
15 sentenced under this section, Section 273.56 shall apply.

16 SEC. 2. No reimbursement is required by this act  
17 pursuant to Section 6 of Article XIII B of the California  
18 Constitution because the only costs that may be incurred  
19 by a local agency or school district will be incurred  
20 because this act creates a new crime or infraction,  
21 eliminates a crime or infraction, or changes the penalty  
22 for a crime or infraction, within the meaning of Section  
23 17556 of the Government Code, or changes the definition  
24 of a crime within the meaning of Section 6 of Article  
25 XIII B of the California Constitution.

